IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No 720 of 1980

with

COURT FEE REFERENCE No 15 of 1981

For Approval and Signature:

Hon'ble MR.JUSTICE KSHITIJ R.VYAS
and
Hon'ble MR.JUSTICE D.H.WAGHELA

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1. Whether Reporters of Local Papers may be allowed to see the judgement? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

SUBHAG NATVARLAL MALVI @ MOHMED SUBAN NATVARLAL
Versus
RAJEN SUBHAG MAVLI NOW MAJOR

Appearance:
1. First Appeal No. 720 of 1980
MR DD VYAS for appellants
MR ASPI M KAPADIA for Respondent No. 1,4-6
MR SN SHELAT for Respondent No. 2-3

CORAM : MR.JUSTICE KSHITIJ R.VYAS

and

MR.JUSTICE D.H.WAGHELA

Date of decision: 05/12/2002

COMMON ORAL JUDGEMENT

(Per : MR.JUSTICE KSHITIJ R.VYAS)

The parties to the proceedings have reached to the settlement in respect of the dispute involved in Special Civil Suit No. 26 of 1976 filed by respondent No.1, in the Court of learned Jt. Civil Judge (SD), Surat, which is the subject matter of the present appeal. Learned Counsel appearing for the parties have filed the consent terms duly signed by the parties except respondent No.2. It is stated in paragraph 2 of the consent terms that the said respondent, namely, Dhruv N. Malvi who was unmarried, has expired pending the appeal. As far as respondents Nos.1, 5 and 6 are concerned, when the appeal was filed, they were minor. However, they have attained majority. Learned Counsel appearing for the parties identified the signatures of the parties and accept the consent terms. The consent terms is taken on record.

In view of the consent terms, the judgment and decree passed by the trial Court is substituted as per the consent terms. The appeal is accordingly disposed of in terms of the consent terms. The decree to be drawn as per the consent terms. There shall be no order as to costs.

In view of the order passed in the main appeal, the Court Fee Reference does not survive and the same is disposed of accordingly. Notice issued therein stands discharged. No order as to costs.

(Kshitij R. Vyas, J.)

(D.H. Waghela, J.)

Sreeram.